

## SUBCHAPTER 42. PURPLE HEART EMBLEMS ON LICENSE PLATES

### 13:20-42.1 Use

A person who is an active member of the Military Order of the Purple Heart may, pursuant to P.L. 1991, c.232 and this subchapter, affix a purple heart emblem to a New Jersey purple heart license plate issued in accordance with N.J.S.A. 39:3-27.35 et seq. for a motor vehicle owned or leased by that member. Such an emblem may only be affixed to a New Jersey purple heart license plate.

### 13:20-42.2 Design

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be of a design similar to that set forth in 32 CFR § 578.14(b), and shall be no larger in size than the replica of the purple heart which is already embossed on the purple heart license plate.

### 13:20-42.3 Materials

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be made of reflectorized material.

### 13:20-42.4 Placement

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be placed upon the replica of the purple heart which is already embossed on the license plate, and shall not obscure or cover any portion of the letters or numbers which appear on the license plate.

## SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

### 13:20-43.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Bi-fueled" means powered by gasoline and by an alternative fuel, but not on a mixture of the two fuels. Each fuel is stored in a separate tank. For example, a vehicle may operate on either propane or gasoline, but it cannot operate on both at the same time. Typically, these vehicles will consume the alternative fuel until the supply is exhausted, then switch over, often automatically, to use the traditional fuel. This term shall not include vehicles powered by electric motors.

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, this subchapter, N.J.A.C. 13:20-32 or 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-4 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with this subchapter and the rules adopted by the Department of Environmental Protection pertaining to emission inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

"Certified configuration" means a vehicle-engine-chassis design for light-duty gasoline-fueled vehicles and light-duty gasoline-fueled trucks certified by either of the following agencies as meeting the applicable emission standards for motor vehicles manufactured in a given model year:

1. EPA for model year 1968 or for a more recent model year; or
2. California Air Resources Board for model year 1966 or for a more recent model year.

"Collector motor vehicle" means a motor vehicle, not otherwise qualified for designation as an "historic vehicle," or "street rod," which was either: originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity; or at the time of qualification for designation exists in such limited numbers; either one or the other or both of the above, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner to the Division, as may be accepted by the Director in his or her discretion, so as to establish it as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns, and, further, that is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for, and covering such vehicle, proof of which shall be supplied to the Division at the time of application for designation as a collector vehicle, which mileage shall in no event exceed 3,000 miles per year. This term shall not include motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

"Department" means the Department of Environmental Protection in the State of New Jersey.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Emission control system" means a device or equipment installed on a motor vehicle by the vehicle manufacturer and/or the engine manufacturer for the purpose of controlling air contaminants emitted from the motor vehicle or motor vehicle engine, including devices or equipment integral with, but not limited to, exhaust emission control systems, fuel evaporation control systems, crankcase emission control systems, and associated devices or systems which control or monitor the function and maintenance of these devices or systems.

"EPA" means the United States Environmental Protection Agency.

"Federal Clean Air Act" means the Federal "Clean Air Act," 42 U.S.C. § 7401 et seq., and any subsequent amendments or supplements to that act.

"Federal test procedure" means a chassis dynamometer test which employs varying speeds and loads, developed by the Federal Environmental Protection Agency for purposes of measuring motor vehicle exhaust emissions.

"Fleet" means 10 or more motor vehicles.

"Gasoline-fueled" means powered by a hydrocarbon fuel other than diesel fuel, including, but not limited to, gasoline, natural gas, liquified petroleum gas, and propane, and also powered by alcohol fuels and hydrocarbon-alcohol fuel blends.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single or combination (articulated) vehicle.

"Inspector" means an individual who is licensed by the Division to perform motor vehicle emission inspections.

"Light-duty gasoline-fueled truck" means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, a vehicle curb weight of 6,000 pounds or less, and a basic frontal area of 45 square feet or less, and that is:

1. Designed primarily for the transportation of property or more than 12 passengers; or
2. Available with special features enabling off-street or off-highway operation and use.

"Light-duty gasoline-fueled vehicle" means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, is designed primarily for use as a passenger car or is a passenger car derivative and is capable of seating 12 or fewer passengers.

"Loaded-mode (dynamometer-based) emission test" means the ASM 5015 emission test.

"Low mileage vehicle" means a vehicle that is driven less than 10,000 miles during the biennial inspection period.

"Low utilization modified performance vehicle" means a vehicle that has been modified for performance and that is driven less than 10,000 miles during the biennial inspection period, provided, however, that any such performance modification shall comply with all of the anti-tampering requirements of N.J.A.C. 7:27-15.7(a).

"Model year" means, with respect to a motor vehicle, the year in which the motor vehicle is considered to have been manufactured. If the manufacturer establishes an annual production period, designation of the year shall be based on the annual production period during which the manufacturer begins production of the motor vehicle. When such annual production period falls within one calendar year, the model year attributed to the motor vehicle shall be that calendar year. When such annual production period continues from one calendar year into the next, the model year attributed to the motor vehicle shall be the latter calendar year (for example, a motor vehicle produced in an annual production period that continues from 1994 to 1995 shall be considered as being produced in the 1995 model year). If the manufacturer establishes no annual production period, a motor vehicle's model year shall be the calendar year in which the manufacturer begins production of that motor

vehicle. If a motor vehicle is manufactured in two or more stages, the model year of such motor vehicle shall be based on the date of completion of the chassis. In case of any dispute, the Director shall have sole discretion to determine the model year of a vehicle for purposes of this subchapter. For purposes of this subchapter, the Director may, in his or her discretion, determine that "model year" means the model year designated for the motor vehicle as contained in the vehicle identification number for such vehicle.

"Motor vehicle" means all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Motor vehicle emission repair facility" means any person, partnership or corporation registered by the Division to engage in the business of performing emission-related repairs on motor vehicles that have failed an emission inspection required by this subchapter and which repairs may qualify for consideration in determining whether a certificate of waiver may be granted.

"Official inspection facility" means a test-only inspection facility that the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c.112.

"Omnibus" means all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

"Private inspection facility" means any person, partnership or corporation licensed by the Division pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by N.J.S.A. 39:8-1.

"Remote sensing device" means an apparatus which remotely monitors motor vehicle emissions from an on-road, roadside, or other location.

"State" means a state of the United States or the District of Columbia.

"State specialty inspection facility" means a test-only inspection facility that is operated by the Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

In "Collector motor vehicle" amended maximum mileage provision and inserted proof of insurance requirement

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a)

Inserted "Bi-fueled", "Low utilization modified performance vehicle" and "State specialty inspection facility"; deleted "Primary emission control component" and "Working order"; rewrote "Certificate of approval"; in "Certificate of waiver" inserted "issued by an official inspection facility" following "sticker"; in "Collector motor vehicle", added the last sentence; in "Emission control system", substituted a reference to vehicle manufacturers and engine manufacturers for a reference to manufacturers, and inserted a reference to maintenance;

in "Official inspection facility", deleted "is operated by the Division of or that" following "facility that"; and in "Private inspection facility", changed N.J.A.C. reference.

**13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage vehicles**

(a) Except as otherwise provided in (b) below, all motor vehicles, regardless of model year or fuel type, which are registered or required to be registered in New Jersey and all fleet motor vehicles which are primarily operated in New Jersey shall be inspected in accordance with this subchapter and the applicable emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B. It shall be the responsibility of the owner or lessee of any motor vehicle primarily operated in New Jersey but which is registered in another jurisdiction to have such vehicle inspected in the state or jurisdiction of registration or in this State.

(b) The following vehicles, some of which may be subject to inspection under other provisions of law or regulation, shall be exempt from the inspection requirements of this subchapter:

1. Historic motor vehicles registered pursuant to N.J.S.A. 39:3-27.4;
2. Collector motor vehicles;
3. Motorcycles;
4. Motorized bicycles;
5. Farm tractors and traction equipment;
6. Farm machinery and implements;
7. Fire trucks having a GVWR of more than 8,500 pounds;
8. In-transit construction equipment registered pursuant to N.J.S.A. 39:4-30;
9. Diesel-fueled motor vehicles, other than omnibuses and school buses, having a GVWR of 10,000 pounds or more that are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26;
10. Omnibuses having a seating capacity of 10 passengers or more and which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit; and
11. Tactical military vehicles operated on Federal installations within this State.

(c) To qualify for designation as a "collector motor vehicle" the owner or lessee of a motor vehicle shall submit an application in the form specified by the Division which provides evidence of the following:

1. The vehicle is not currently qualified for designation as an "historic motor vehicle," as provided at N.J.S.A. 39:3-27.3 et seq., and any rules promulgated pursuant thereto, or as a "street rod," as provided at N.J.S.A. 39:3-27.27, and any rules promulgated pursuant thereto;

2. The vehicle is not a motor vehicle with elevated chassis height which is subject to inspection in accordance with N.J.A.C. 13:20-37;

3. The vehicle is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for such vehicle; and

4. The vehicle currently qualifies for, and is covered by, motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles, proof of which shall be supplied to the Division at the time of application for designation as a collector motor vehicle, which policy shall limit the mileage of the vehicle to 3,000 miles per year or less; and either,

i. Proof that the vehicle was originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Division, as may be accepted by the Director in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns; or

ii. Proof that at the time of qualification for designation as a "collector motor vehicle" that the make and model of such vehicles exist in such limited numbers, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Division, as may be accepted by the Director in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns.

(d) The Director or his or her designee shall verify the odometer reading of a "collector motor vehicle" and may require that such motor vehicle be equipped with an odometer lock. A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "collector motor vehicle."

(e) The owner of any motor vehicle qualifying as a "collector motor vehicle" shall be eligible to purchase from the Division a distinctive windshield sticker, of a design and dimensions to be approved by the Director, said sticker to be affixed in lieu of a certificate of approval, by an authorized representative of the Division, indicating that said vehicle is a "collector motor vehicle" that is exempt from the inspection requirements of N.J.S.A. 39:8-1. The windshield sticker shall be valid for the inspection test cycle.

(f) The Director or his or her designee shall remove the previous "collector motor vehicle" windshield sticker, if any, of a motor vehicle which is denied designation as a "collector motor vehicle" in accordance with this section. A motor vehicle that is denied designation as a "collector motor vehicle" shall not be eligible for such designation for one inspection cycle.

(g) The owner or lessee of a "collector motor vehicle" shall make application to the Division for the renewal of the windshield sticker prior to expiration of the inspection test cycle. The renewal application shall at a minimum be accompanied by proof that the vehicle is covered by motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles that limits the mileage use of the vehicle to 3,000 miles per year or less.

(h) The cost of said sticker shall be \$25.00 for the initial inspection test cycle and \$10.00 for the renewal of said sticker for inspection test cycles thereafter.

(i) To qualify for designation as a "low utilization modified performance vehicle," a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period and the owner or lessee of a motor vehicle shall submit a certification in the form specified by the Division to the effect that the motor vehicle's emission control apparatus conforms to the standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

(j) The Director or his or her designee shall verify the odometer reading of a "low utilization modified performance vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low utilization modified performance vehicle."

(k) A motor vehicle which is denied designation as a "low utilization modified performance vehicle" in accordance with this section shall not be eligible for such designation for one inspection cycle.

(l) To qualify for designation as a "low mileage vehicle" a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period.

(m) The Director or his or her designee shall verify the odometer reading of a "low mileage vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low mileage vehicle."

(n) A motor vehicle which is denied designation as a "low mileage vehicle" in accordance with this section shall not be eligible for such designation for one inspection cycle.

Amended by R.1997 d.100, effective March 3, 1997.  
See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a)

In (c)2, amended maximum mileage provision: in (c)3, inserted proof of insurance and 3,000 mile policy limitation provisions; and in (f), inserted 3,000 mile policy limitation.  
Amended by R.1999 d.422, effective December 6, 1999.  
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).  
Rewrote the section.

### 13:20-43.3 Inspection facilities

A motor vehicle subject to inspection shall have the inspection performed at an official inspection facility, a private inspection facility licensed by the Division, or a State specialty inspection facility operated by the Division, in accordance with N.J.A.C. 13:20-7.3.

Amended by R.1997 d.100, effective March 3, 1997.  
See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Deleted provision prohibiting vehicles over four years old from inspection at private facilities and provision requiring reinspection of specified vehicles at official facilities following two initial emission test failures.

Amended by R.1999 d.422, effective December 6, 1999.  
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).  
Rewrote the section.

### 13:20-43.4 Federal motor vehicles

(a) Motor vehicles that are operated on Federal installations located within New Jersey and motor vehicles operated by Federal government agencies in this State shall be inspected in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the Division pursuant to N.J.A.C. 13:20-44.

(c) A Class I licensed private inspection facility shall provide to the operator of a Federally-plated or numbered motor vehicle which is presented for inspection in this State a report of inspection conducted under (a) above which shall include:

1. The VIN for the motor vehicle;
2. The license plate number issued by the Federal government agency for the motor vehicle;
3. HC results;
4. CO results;
5. CO<sub>2</sub> results;
6. NO<sub>x</sub> results;
7. O<sub>2</sub> results;
8. Pressure test results;
9. Purge test results; and
10. Exhaust system inspection results.

(d) All motor vehicles owned, leased or operated by civilian or military personnel on Federal installations in New

Jersey, whether such vehicles are registered in this State or in another jurisdiction, shall be inspected in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B. This inspection requirement shall not apply to visiting agency, employee or military personnel vehicles so long as such visits do not exceed 60 calendar days per year.

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Rewrote (a) and (b); and in (c), substituted a reference to Class I licensed private inspection facilities for a reference to the Division in the introductory paragraph, substituted a reference to CO results for a reference to O results in 4, and substituted a reference to exhaust system inspection results for a reference to safety inspection results in 10.

### 13:20-43.5 Motor vehicles registered in other states

(a) Owners, lessees or operators of motor vehicles registered in other jurisdictions may present their motor vehicles for inspection in this State. The inspection shall be in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the Division pursuant to N.J.A.C. 13:20-44.

(c) A Class I licensed private inspection facility shall provide to the operator of a motor vehicle which is presented for inspection in this State a report of inspection conducted under N.J.A.C. 13:20-43.4(d) or (a) above.

(d) The owner or lessee of a motor vehicle shall transmit a report of inspections conducted under N.J.A.C. 13:20-43.4(d) or (a) above to the state of registration which shall include:

1. The VIN for the motor vehicle;
2. The license plate number issued for the motor vehicle;
3. The name of the state in which the vehicle is registered;
4. HC results;
5. CO results;
6. CO<sub>2</sub> results;
7. O<sub>2</sub> results;
8. NO<sub>x</sub> results;
9. Pressure test results;
10. Purge test results; and
11. Exhaust system inspection results.

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

In (a), changed N.J.A.C. references; rewrote (b); in (c), substituted a reference to Class I licensed private inspection facilities for a reference to the Division; and in (d)11, substituted a reference to exhaust system inspection results for a reference to safety inspections.

### 13:20-43.6 Fleet motor vehicles

All fleet motor vehicles, including those that are available for lease or rent, which are registered in this State, or are registered in another state and primarily operated in New Jersey, shall be inspected in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. A fleet vehicle shall be inspected at an official inspection facility or by a Class I or Class II licensed private inspection facility. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Division as a Class II private inspection facility in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-44.

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Deleted provision requiring reinspection of specified vehicles at official facilities following two initial emission test failures.

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Changed N.J.A.C. references in the first sentence, inserted "Class I or Class II" in the second sentence, and inserted "Class II" and changed N.J.S.A. reference in the last sentence.

### 13:20-43.7 Test frequency

Motor vehicles subject to inspection pursuant to this subchapter shall be inspected on a biennial basis, except as otherwise provided by law or regulation.

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Deleted former second and third sentences.

### 13:20-43.8 Tests for emissions

(a) A loaded-mode (dynamometer-based) test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4 on all gasoline-fueled and bi-fueled motor vehicles with model years 1981 and later having a GVWR of 8,500 pounds or less; provided, however, no such test shall be required for any full-time four-wheel drive vehicle regardless of weight class, for a low mileage vehicle, for a low utilization modified performance vehicle, for a motor vehicle which is operated by a handicapped person and which has been modified so that such vehicle is fully controlled by specially designed mechanical devices for the handicapped, for a motor vehicle which is equipped with non-disengagable traction control, or for any other motor vehicle originally manufactured with a particular design characteristic which makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. In such exceptional cases, a 2,500 RPM idle emission test, conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.5, shall be administered. All motor vehicles which are subject to a loaded-mode (dynamometer-based) test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such vehicles by the Department of Environmental Protection for hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen (NO<sub>x</sub>).

(b) An idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.4(b) on all gasoline-fueled and bi-fueled motor vehicles with model years 1980 and earlier, all gasoline-fueled and bi-fueled motor vehicles having a GVWR greater than 8,500 pounds, and on any other motor vehicle originally manufactured with a particular design characteristic which makes it either impractical or hazardous to conduct a 2,500 RPM idle emission test, as shall be determined in the discretion of the Director. A 2,500 RPM idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.5 on all low mileage vehicles with model years 1981 and later, on all low utilization modified performance vehicles with model years 1981 and later, on all full-time four-wheel drive vehicles with model years 1981 and later, on all motor vehicles that are operated by handicapped persons and have been modified so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped with model years 1981 and later, on motor vehicles with model years 1981 and later which are equipped with non-disengagable traction control, and on any other motor vehicle with model years 1981 and later originally manufactured with a particular design characteristic which makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. All motor vehicles which are subject to an idle test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO).

(c) An evaporative system purge test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 on all post-1980 model year light-duty gasoline-fueled and bi-fueled motor vehicles and light-duty gasoline-fueled and bi-fueled trucks that were originally equipped with an evaporative emission control system when manufactured provided such vehicles are subject to a loaded-mode (dynamometer-based) test, unless a motor vehicle was originally manufactured with a particular design characteristic which makes it impractical to administer such test. All motor vehicles which are subject to the purge test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. Implementation of the evaporative system purge test required by this subsection shall be contingent upon the development of a Federal EPA methodology for conducting such test.

(d) An evaporative system integrity (pressure) test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 on all post-1980 model year light-duty gasoline-fueled and bi-fueled motor vehicles and light-duty gasoline-fueled and bi-fueled trucks that were originally equipped with an evaporative emission control system when manufactured, unless a motor vehicle was originally manufactured with a particular design characteristic which makes it impractical to administer such test. Motor vehicles subject to the pressure test shall meet the standards for such test established by the Department of Environmental Protection

at N.J.A.C. 7:27-15 and 7:27B-4. A gas cap pressure test shall be conducted on all motor vehicles originally equipped with a sealed gas cap. Motor vehicles subject to the gas cap pressure test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.12.

(e) An inspection shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 for the presence of the catalytic converter on all light-duty gasoline-fueled and bi-fueled motor vehicles and light-duty gasoline-fueled and bi-fueled trucks which were manufactured with a catalytic converter as original equipment or which were retrofitted with a catalytic converter. Motor vehicles shall fail inspection if the catalytic converter was a part of the original certified configuration for the motor vehicle and the catalytic converter is missing or disconnected. If it is found that the catalytic converter is modified or improperly connected, or is not certified in accordance with EPA procedures, or is not of a type which was part of the original certified configuration for the motor vehicle, the motor vehicle shall fail inspection.

(f) A visible smoke test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1.

(g) The Director, as required by 40 CFR § 51.353(c)(3) to evaluate the effectiveness of the enhanced inspection and maintenance program, may require a motor vehicle which has been presented for an initial inspection to undergo an alternate emission inspection by his or her designee.

(h) A motor vehicle safety equipment inspection shall be conducted on all motor vehicles subject to inspection; provided, however, that with regard to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 and motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5, the safety equipment inspection required by this subsection shall be limited to an inspection of the motor vehicle's exhaust system. The following safety equipment shall be subject to inspection:

1. Steering and suspension;
2. Glazing and vision obstruction;
3. Headlights;
4. Red rear lights;
5. Stop lights;
6. Turn signals;
7. Reflectors;
8. Horn;
9. Windshield wipers;
10. Wheels and tires;

11. Exhaust system;
12. Mirrors;
13. Service brake (operation and pedal reserve);
14. Parking brake;
15. Brake equalization;
16. Seat belts; and

17. Such other equipment, as an inspection discloses will affect the safe operation of the vehicle or present an imminent safety hazard to its occupants or the public.

(i) Each motor vehicle inspection conducted pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate and insurance identification card; provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.

Amended by R.1997 d.100, effective March 3, 1997.  
See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Amended model years throughout; in (b), reference to full-time four-wheel drive vehicles, the model year for vehicles controlled by devices for the handicapped, and vehicles whose operation on a dynamometer is impracticable or hazardous inserted; and in (d), inserted gas cap pressure test and gas cap standards provisions.

Amended by R.1999 d.422, effective December 6, 1999.

31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

rewrote the section.

### 13:20-43.9 Inspection reports; emission-related repair forms

(a) The operator of each motor vehicle shall be provided with a motor vehicle inspection report and inspection report supplement, if issued, upon completion of an inspection. The motor vehicle inspection report and inspection report supplement, if issued, shall include:

1. The inspection facility number;
2. The type of test(s) performed;
3. The date of the inspection;
4. The inspection serial number;
5. The inspection certificate number;
6. The vehicle model year, make, and body type;
7. The vehicle license plate number;
8. The fuel type;
9. The gross vehicle weight rating;
10. The vehicle identification number;
11. The vehicle odometer reading to the nearest 1,000 miles;

12. The category of inspection (that is, initial inspection, first reinspection, second reinspection, etc.);

13. The pass/fail result of applicable visual inspections;

14. Results of the evaporative system functional tests;

15. The type of vehicle preconditioning performed, if applicable;

16. Results of the safety inspection;

17. Emission inspection results and standards for the vehicle;

18. Instructions indicating that the report is to be returned to an official inspection facility or licensed private inspection facility upon reinspection;

19. A statement indicating the availability of warranty coverage as required in section 207 of the Federal Clean Air Act;

20. Instructions indicating that the motor vehicle must be repaired and returned to an official inspection facility or licensed private inspection facility and reinspected;

21. Instructions for waiver applicants;

22. Such advisory diagnostic information as may be made available;

23. Space to indicate repair by a registered motor vehicle emission repair facility;

24. Space to indicate the name, address, and registration number of the motor vehicle emission repair facility which performed the emission-related repair(s);

25. Space to indicate the cost of parts and labor for emission-related repair(s);

26. Space to indicate the emission-related repair(s) performed;

27. Space to indicate technician recommended repair(s) that were not performed; and

28. Other information as the Division may require to enable it to determine compliance with this subchapter.

(b) A registered motor vehicle emission repair facility shall provide all of the information on the motor vehicle inspection report and inspection report supplement, if issued, relating to emission-related repairs required by (a) above and shall present the completed motor vehicle inspection report and inspection report supplement, if issued, to the owner or lessee upon delivery of the repaired vehicle to such owner or lessee.



(c) The Division shall prescribe a Pre-inspection Repair Form for use by registered motor vehicle emission repair facilities for demonstrating that pre-inspection emission-related repairs have been performed by such facilities and shall contain all applicable information as set forth in (a)23 through 28 above. The Pre-inspection Repair Form may be used by a registered motor vehicle emission repair facility for demonstrating that post-inspection emission-related repairs have been performed by such facility only when the original motor vehicle inspection report or inspection report supplement, if issued, has been lost by the owner or lessee and has not been presented to the facility. The Pre-inspection Repair Form shall be completed and presented to the owner or lessee upon delivery of the repaired vehicle to such owner or lessee. No such Pre-inspection Repair Form shall be presented in blank to such owner or lessee or any other person; nor shall such form be furnished to such owner or lessee unless the vehicle identification number of the repaired vehicle is clearly printed or written in ink on the face of said form. The form prescribed by the Division pursuant to this subsection may be reprinted as needed by registered motor vehicle emission repair facilities. The forms, as reprinted by a registered repair facility, shall contain the registration number of such facility and each form shall contain a unique control number which corresponds to the sequential order in which such forms were reprinted, and any other information that the Director may require.

#### 13:20-43.10 Reinspections

Motor vehicles that fail inspection shall be reinspected within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable, after the motor vehicle has been repaired or adjusted. The owner or lessee who had a registered motor vehicle emission repair facility perform emission-related repairs on a motor vehicle that failed the emission inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, the pre-inspection repair form (if applicable), which has/have been completed by such registered motor vehicle emission repair facility and invoice(s) issued by such registered motor vehicle emission repair facility. The owner or lessee possessing a nationally recognized certification for emission-related diagnosis and repairs who performed the emission-related repairs on a motor vehicle that failed the emission inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, and the pre-inspection repair form (if applicable), which has/have been completed by such owner or lessee. All motor vehicles subject to a reinspection, including motor vehicles that have failed an on-road inspection in accordance with N.J.A.C. 13:20-43.14, for noncompliance with the emission inspection shall be subject to the separable portions of the inspection procedure for emissions for the vehicle model year (that is, functional testing and exhaust testing where applicable). Portions of the emission testing procedure shall be considered separable for purposes of this section if a failure on

one portion does not affect the likelihood of passage or failure on any other portion of the testing procedure. If the motor vehicle passes the reinspection, the Division, or an authorized inspector, shall issue a certificate of approval for the motor vehicle indicating compliance. If the motor vehicle fails to pass the reinspection, the Division, or an authorized inspector, shall issue a motor vehicle inspection report indicating noncompliance. If the motor vehicle fails the reinspection for an emission-related problem and the owner or lessee requests a waiver of compliance, the Division or its authorized representatives shall review the request and shall approve or deny the request in accordance with N.J.A.C. 13:20-43.13. Requests for waiver shall be presented at such locations as are designated by the Director and approved or denied only by such persons as designated by the Director.

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Rewrote the section.

#### 13:20-43.11 Inspection certificates of approval; inspection rejection stickers

(a) An inspection certificate of approval shall be issued for New Jersey registered motor vehicles which meet safety and emission standards. The inspection certificate of approval issued for motor vehicles other than motorcycles shall be affixed in accordance with N.J.A.C. 13:20-32.2(e) or 33.2(k), whichever is applicable, to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(b) An inspection rejection sticker shall be issued by an official inspection facility for New Jersey registered motor vehicles other than motorcycles which fail to meet safety and/or emission standards. The inspection rejection sticker shall be affixed by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(f) or, if applicable, N.J.A.C. 13:20-32.2(g), to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A licensed private inspection facility shall denote that a New Jersey registered motor vehicle other than a motorcycle has failed to meet safety and/or emission standards by defacing the inspection certificate of approval or certificate of waiver affixed to the motor vehicle, if any, in accordance with N.J.A.C. 13:20-33.2(l), except as otherwise provided at N.J.A.C. 13:20-33.2(m). The owner or lessee of a motor vehicle which has failed inspection shall have the necessary repairs made and shall present the motor vehicle for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable.

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Rewrote the section.

#### 13:20-43.12 Inspection extensions

(a) A motor vehicle which is registered in New Jersey that cannot be presented for inspection in this State prior to the expiration of the certificate of approval or certificate of

waiver issued for the motor vehicle shall be deemed to be in compliance with the inspection requirements of this State if the motor vehicle is presented for an inspection in the state or region in which it is temporarily located, provided that such inspection is performed in an enhanced I/M program. In order to avoid sanctions for failure to comply with the inspection requirements of this State, it shall be the responsibility of the owner or lessee of the motor vehicle to transmit to the Division proof that the motor vehicle has been inspected by another state's enhanced I/M program. Such proof shall consist of a report issued by the enhanced I/M program of such other state containing the license plate number or vehicle identification number of the motor vehicle inspected, the date and location of inspection, and the results of such inspection. If such proof has been submitted and a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle except as hereafter provided. The Director shall issue an additional inspection extension(s) pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty or who is attending college or graduate school in a state or region that has an enhanced I/M program; provided, however, that continuing proof that the motor vehicle has been presented for inspection in another state's enhanced I/M program is transmitted to the Division by the owner or lessee of the motor vehicle.

(b) The owner or lessee of a motor vehicle registered in New Jersey which cannot be presented for inspection in this or another State prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle because it is temporarily located in a state or region that does not have an enhanced I/M program shall notify the Division of the date upon which the motor vehicle will be returned to New Jersey. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle except as hereafter provided. The Director shall issue an inspection extension of greater length pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty and is stationed in another state or region that does not have an enhanced I/M program, or to a motor vehicle owner or lessee who is attending college or graduate school in another state or region that does not have an enhanced I/M program.

(c) The owner or lessee of a motor vehicle registered in New Jersey which cannot be presented for inspection or reinspection prior to the date by which the motor vehicle must be presented for such inspection or reinspection due to the ill health of the motor vehicle owner or lessee, or for other good cause, shall notify the Division of such circumstance. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected or reinspected; provided, however, that such an extension shall not be granted for a motor vehicle which has failed inspection and requires repairs pursuant to N.J.A.C. 13:20-7.6. The inspection extension shall be valid until such date as specified by the Director or his or her designee, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle.

(d) The owner or lessee of a motor vehicle registered in New Jersey which has failed inspection and requires repairs, other than repairs required to be made pursuant to N.J.A.C. 13:20-7.6, which cannot be completed prior to the date by which the motor vehicle must be presented for reinspection due to the nature of the repairs which are required, shall notify the Division of the date upon which the repairs to the motor vehicle shall be completed. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle reinspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the repairs to the motor vehicle have been completed, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle.

Amended by R.1999 d.422, effective December 6, 1999  
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a)  
Rewrote the section.

**13:20-43.13 Waivers; criteria for issuance; denial of warranty form; repair receipt form; waiver valid for inspection cycle; waiver issuance**

(a) A motor vehicle which fails to satisfy the applicable emission standards as set forth in the rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4 shall be eligible for a certificate of waiver if the following requirements are satisfied:

1. The vehicle has failed to pass a loaded-mode emission reinspection after all qualifying repairs have been completed;
2. The motor vehicle has passed an idle emission test conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.4(b);
3. The motor vehicle has passed a safety inspection conducted in accordance with N.J.A.C. 13:20-32 or 33, whichever is applicable, and this subchapter;

4. The owner or lessee has provided written proof to the satisfaction of the Director that all available warranty repairs have been made to the motor vehicle or a written denial of warranty coverage from the manufacturer or authorized dealer in a form prescribed for such purpose by the Director;

5. Repairs were appropriate to the cause of the test failure and were performed 60 days or less prior to the date on which the initial enhanced test was due;

6. Emission-related repairs were performed by a registered motor vehicle emission repair facility or by the owner or lessee of the vehicle, provided he or she possesses a nationally recognized certification for emission-related diagnosis and repairs. Any owner or lessee of a motor vehicle may perform emission-related repairs of the emission control system and/or may perform an emission-related process; provided, that only the cost of parts incurred by the owner or lessee during the course of the repair of such system shall be applied toward the applicable waiver amount in (a)8 below;

7. Original repair receipts are submitted to the Division verifying that qualifying repairs have been performed; and

8. Prior to January 1, 2002, the owner or lessee has expended no less than the applicable amount specified at 40 C.F.R. § 51.360(a)(6) for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage. Beginning on January 1, 2002, the owner or lessee has expended no less than the amount specified at 40 C.F.R. § 51.360(a)(7) for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage.

(b) A waiver shall not be issued to a motor vehicle for tampering-related repairs. The cost of tampering-related repairs shall not be counted towards the cost limits in (a)8 above.

(c) A waiver shall not be issued to a motor vehicle which fails an evaporative system purge test or an evaporative system integrity (pressure) test if the cause for such failure is safety-related.

(d) A waiver shall expire at the end of the specific inspection cycle for which it was granted, after which the vehicle shall either pass inspection or qualify for issuance of another waiver pursuant to this section.

(e) The Director, or his or her designee, shall issue a certificate of waiver for those motor vehicles satisfying all the requirements of this section. The certificate of waiver shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

Amended by R.1997 d.100, effective March 3, 1997.  
See: 28 N.J.R. 2334(a), 29 N.J.R. 768(a).

In (a)5, inserted 60 day provision; and in (a)8, substituted "January 1, 2000" for "January 1, 1998".

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

In (a), changed N.J.A.C. references in 2 and 3, substituted a reference to motor vehicles for a reference to vehicles in 3, rewrote 6, and substituted references to 2002 for references to 2000 in 8.

**13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure**

(a) On-road motor vehicle safety and emission inspection is intended to complement the safety and emission inspection otherwise required in the State of New Jersey by law or regulation.

(b) On-road inspection shall consist of a safety inspection, a visible smoke test, a tailpipe emission inspection, an inspection for the presence and integrity of the motor vehicle's catalytic converter, including a tap test thereof, an examination of the driver's license, motor vehicle registration certificate and insurance identification card, and such other tests as may be determined by the Director.

(c) On-road emission inspection procedures shall utilize the BAR 90 analyzer or such other emission inspection equipment approved by the Director after consultation with the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(f).

(d) On-road emission inspection shall be conducted using the emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

(e) The Division shall use the following criteria in determining which motor vehicles shall be subjected to on-road safety and emission inspection:

1. Motor vehicles with an observable defect(s);
2. Motor vehicles without an inspection certificate of approval or certificate of waiver;
3. Motor vehicles with an expired inspection certificate of approval or certificate of waiver;
4. Motor vehicles with an expired inspection rejection sticker or other indication that the motor vehicle has failed inspection and has not been presented for reinspection within the period of time specified in N.J.A.C. 13:20-7.5, 7.6(a), or (g) below, whichever is applicable;
5. Motor vehicles without a registration plate(s) and/or registration plate decal(s);
6. Motor vehicles with an expired registration plate decal(s);
7. Motor vehicles which fail to meet minimum emission standards as determined by a remote sensing device; or

8. Motor vehicles which correspond to a predetermined numerical sequence established by Division supervisory personnel for subjecting motor vehicles to on-road safety and emission inspection (for example, every fifth motor vehicle, every tenth motor vehicle, etc.).

(f) If a motor vehicle subject to on-road inspection fails to meet minimum safety and/or emission standards, an inspection rejection sticker shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(g) The owner or lessee of a motor vehicle which has failed an on-road inspection shall have the necessary repairs made and present the motor vehicle for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Rewrote (e); and in (g), changed N.J.A.C. reference.

**13:20-43.15 Recall compliance procedures; purpose; applicability; notice to owner; recall compliance form; transfer of ownership; denial and suspension of registration**

(a) Owners and lessees of motor vehicles which are included in either a "Voluntary Emissions Recall" as defined at 40 C.F.R. § 85.1902(d), or in a remedial plan determination made pursuant to section 207(c) of the Federal Clean Air Act, shall present such vehicles to the manufacturer or authorized dealer for emission-related repairs and shall comply with the procedures set forth in this section.

(b) Recall compliance procedures set forth in this section shall apply to all motor vehicles for which owner recall notification occurs after January 1, 1995.

(c) The EPA or an entity approved by the EPA shall provide the Division with a list of vehicle identification numbers with unresolved recalls.

(d) The Division shall provide written notice to an owner or lessee of a motor vehicle which is contained on an EPA list of vehicle identification numbers with unresolved recalls. The notice shall inform the owner or lessee of the following:

1. That the vehicle is subject to a recall notification;
2. That the vehicle must be presented to the manufacturer or authorized dealer for emission-related repairs; and
3. That proof of compliance with the recall notice must be submitted to the Division as a precondition to the Division's issuance of a certificate of approval for the vehicle.

(e) The Division shall prescribe a Recall Compliance Form for use in demonstrating recall compliance in accordance with this section. The Recall Compliance Form shall be provided to an owner or lessee with the written notice required under (d) above. The owner or lessee shall submit the Recall Compliance Form to the manufacturer or authorized dealer when he or she presents the vehicle for emission-related recall repairs. The manufacturer or authorized dealer shall be responsible for providing the information required on the Recall Compliance Form. The manufacturer or authorized dealer shall provide the owner or lessee with the completed Recall Compliance Form. The owner or lessee of the vehicle shall submit the Recall Compliance Form to the Division. The manufacturer or authorized dealer shall maintain a copy of the Recall Compliance Form in its files for a period of five years from the date of completion of the emission-related repairs. The manufacturer or authorized dealer shall make available the completed Recall Compliance Form upon the request of the Director or his or her designee.

(f) The Recall Compliance Form shall include the following:

1. The VIN, make, and model year of the vehicle;
2. The recall campaign number;
3. The date emission-related repairs were completed;
4. The name, address and telephone number of the authorized dealer completing the emission-related repairs; and
5. The dealer license number, if the authorized dealer completing the emission-related repairs is located in New Jersey.

(g) Except as otherwise provided in this section, the Division shall deny the issuance or renewal of the registration of a motor vehicle and shall suspend the registration of a motor vehicle if the owner or lessee has not filed or caused to be filed with the Division within six months of the written notice provided under (d) above proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

(h) The denial of the registration shall be effective on the first day following the expiration date of the motor vehicle's registration. The suspension of the registration shall be effective on the date specified by the Division in an order of suspension issued to the owner or lessee.

1. The Division shall not suspend a motor vehicle registration pursuant to this section if the owner or lessee has surrendered to the Division the registration certificate and registration plates issued thereto.

2. The Division shall not deny a motor vehicle registration pursuant to this section if the owner or lessee presents or causes the motor vehicle to be presented to the manufacturer or authorized dealer for emission-related recall repairs and files or causes to be filed with the Division proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

In (g), inserted "within six months of the written notice provided under section (d) above" following "Division"; and in (h), substituted a reference to motor vehicles for a reference to vehicles and inserted a reference to lessees in the introductory paragraph, inserted a reference to lessees in 1, and rewrote 2.

**13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or certificate of waiver expiration date; motor vehicles which have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties**

(a) Except as otherwise provided in this section, the Division shall deny the issuance or renewal of the registration of a motor vehicle, other than a motorcycle, and shall suspend the registration of a motor vehicle, other than a motorcycle, if the owner or lessee has not presented the motor vehicle for inspection prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle. The Division shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for inspection prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for inspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for inspection shall cause the registration for the motor vehicle to be suspended. The Division shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for inspection in accordance with the notice of scheduled registration suspension. The Division shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1. Surrenders or causes to be surrendered to the Division the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Division's notice of scheduled registration suspension; or

2. Presents or causes the motor vehicle to be presented for inspection within the period of time provided in the Division's notice of scheduled registration suspension.

(b) Except as otherwise provided in this section, the Division shall deny or suspend the registration of a motor vehicle, other than a motorcycle, if the owner or lessee has not presented the motor vehicle for reinspection prior to the expiration of the inspection rejection sticker or other indication of inspection rejection issued for the motor vehicle after failure of inspection. The Division shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 13:20-43.14(g), whichever is applicable. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for reinspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for reinspection shall cause the registration for the motor vehicle to be suspended. The Division shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for reinspection in accordance with the notice of scheduled registration suspension. The Division shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1. Surrenders or causes to be surrendered to the Division the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Division's notice of scheduled registration suspension; or

2. Presents or causes the motor vehicle to be presented for reinspection within the period of time provided in the Division's notice of scheduled registration suspension.

(c) The Division shall not issue a motor vehicle registration renewal application if the registration for the motor vehicle is denied or suspended in accordance with this section.

(d) The Division shall issue a notice of conditional registration restoration to a motor vehicle owner or lessee who has applied for the restoration of a motor vehicle registration which has been denied or suspended pursuant to this section provided he or she has paid the registration restoration fee in accordance with N.J.S.A. 39:3-10a and N.J.A.C. 13:21-9.3(b) and, if applicable, the registration renewal fee required by law; provided, however, a notice of conditional registration restoration shall not be issued if the motor vehicle registration is otherwise suspended and is not eligible for restoration. The conditional registration restoration shall authorize the operation of such motor vehicle only for the following purposes:

1. To travel to and from an official inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

2. To travel to and from a Class I or Class II licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

3. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

4. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or

5. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(e) A notice of conditional registration restoration issued pursuant to (d) above shall be valid for a period not to exceed 14 days. The registration suspension of a motor vehicle for which a notice of conditional registration restoration has been issued by the Division pursuant to (d) above shall be reinstated if an inspection certificate of approval or certificate of waiver is not issued for such motor vehicle prior to the expiration of the notice of conditional registration restoration.

(f) The Division shall issue a conditional registration certificate to the purchaser of a used motor vehicle for which the registration thereof had been denied or suspended pursuant to this section prior to the date of sale provided the registrant has paid the registration fee required by law; provided, however, a conditional registration certificate shall not be issued if the purchaser's registration privilege is otherwise suspended and is not eligible for restoration. The conditional registration shall authorize the operation of such motor vehicle only for the following purposes:

1. To travel from the place of purchase to the purchaser's residence or place of business;

2. To travel to and from an official inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

3. To travel to and from a Class I or Class II licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

4. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

5. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or

6. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(g) A conditional registration certificate issued pursuant to (f) above shall be valid from the date of its issuance. The registration of a motor vehicle for which a conditional registration has been issued by the Division pursuant to (f) above shall be suspended if an inspection certificate of approval or certificate of waiver is not issued for such motor vehicle within 14 days of the issuance of the conditional registration certificate.

(h) A motor vehicle owner or lessee whose motor vehicle registration has been denied or suspended pursuant to this section shall not operate or permit the operation of such motor vehicle during the period of such denial or suspension. A person who operates or permits the operation of a motor vehicle during a period of denial or suspension shall be subject to the penalties set forth in N.J.S.A. 39:3-4, 39:3-40 and 39:5-35.

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Rewrote the section.

**13:20-43.17 Inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest**

(a) No person shall perform an emission inspection required by this subchapter unless licensed by the Division to perform such inspection. In order to obtain licensure as a motor vehicle emission inspector, an applicant shall complete a training program that shall consist of acquiring an understanding of:

1. The air pollution problem, its causes and effects;
2. The purpose, function, and goal of the motor vehicle emission inspection program;
3. Emission inspection regulations and procedures;
4. Technical details of emission test procedures and the rationale for their design;
5. Emission control device function, configuration, and inspection;
6. Emission test equipment operation, calibration, and maintenance;
7. Quality control procedures and their purpose;
8. Public relations; and
9. Personal safety and health issues related to the inspection process.

(b) The Division shall either administer the training program or approve, monitor and evaluate the training programs administered by third parties as set forth in subsection (g) below. The Division shall charge a fee of \$100.00 for the approval of training programs administered by third parties.

(c) An applicant for licensure as a motor vehicle emission inspector shall submit to the Division a license fee of \$50.00 and a certificate confirming that the applicant has successfully completed training and testing at a Division approved emission inspector training program. The applicant shall have attained a score of at least 80 percent of correct responses on a written examination covering all aspects of the training. In addition, a hands-on test shall have been administered in which the applicant demonstrated, without assistance, the ability to conduct a proper inspection, to properly utilize equipment and to follow other procedures adopted by the Division. Inability to properly conduct any emission test procedures shall constitute failure of the test.

(d) A motor vehicle emission inspector license shall be valid for two years. Refresher training and testing shall be required prior to renewal of the license, and each application for license renewal shall be accompanied by the applicable fee specified in (c) above. For purposes of this subsection, "refresher training and testing" shall mean either a training program as set forth in (a) above or an on-the-job evaluation of the licensee's inspection performance and knowledge of current inspection requirements by the Director or his or her designee.

(e) No person licensed as an inspector shall, while in the employment of an official inspection facility, own, operate or be employed by any motor vehicle repair or service facility, motor vehicle parts sales business, or any motor vehicle sales or leasing business. An inspector, other than an inspector employed at an official inspection facility, may be employed by a private inspection facility which is licensed by the Division in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-44.

(f) No person licensed as an inspector, while in the employment of an official inspection facility, shall refer motor vehicle owners, lessees or operators to particular providers of motor vehicle repair service except as may be permitted by Federal law.

Amended by R.1999 J.422, effective December 6, 1999.  
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).  
Deleted a former (g).

**13:20-43.18 Suspension or revocation of inspector license; retraining and retesting; suspension pending hearing; schedule of penalties**

(a) A motor vehicle emission inspector license may be suspended or revoked for any of the following:

1. Fraudulently, willfully or negligently conducting an improper emission inspection of a motor vehicle;
2. Violation of any provision of this subchapter;
3. Violation of any procedure established by the Division or the Department of Environmental Protection for the conduct of emission inspections;

4. Fraudulently, willfully or negligently issuing an improper certificate of approval or certificate of waiver; or

5. Other good cause.

(b) An inspector who fraudulently or willfully conducts an improper emission inspection of a motor vehicle shall be subject to a suspension of his or her inspector license for a period of at least six months. An inspector whose license is suspended under this section shall successfully complete refresher training and testing in accordance with N.J.A.C. 13:20-43.17(d) before such license is restored under this subchapter.

(c) Any applicant who submits false information when applying for a motor vehicle emission inspector license may be disqualified from receiving the license. In addition, any licensee whose eligibility for a license was based on the submission of false information is subject to license suspension or revocation by the Division.

(d) A motor vehicle emission inspector license may be suspended immediately by the Director upon a charge of a violation that directly affects emission reduction benefits or compromises the integrity of the inspection system. If the Director determines that the public interest requires suspension of a license pursuant to this subchapter prior to hearing, the Director may do so, provided that notice containing the reasons for such suspension and the effective date of the suspension is provided to the licensee in person, or by certified or regular mail, prior thereto and the licensee is afforded the opportunity to request in writing a hearing within 10 days of the effective date of the suspension. When a licensee requests an administrative adjudication it shall be held as soon thereafter as practicable. If the Director determines it necessary to suspend a license prior to hearing and the licensee submits a request for a hearing within the time prescribed by this section, the Director may require that a preliminary hearing be held or may refer the matter to the Office of Administrative Law for a preliminary hearing to determine whether sufficient cause exists to continue such suspension until a plenary hearing can be conducted.

(e) Any hearing concerning the suspension, revocation or refusal to grant or renew a motor vehicle emission inspector license shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(f) The following penalty schedule shall apply to emission inspector licensees who violate P.L. 1995, c.112 or this subchapter.

1. For intentionally or willfully improperly passing or waiving a vehicle for any required portion of the emission test in violation of rules or procedural requirements:

- |   |                  |
|---|------------------|
| i. Six month license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting  | first violation  |
| ii. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting | second violation |
| iii. Lifetime license revocation; plus \$2,000.00 civil penalty   | third violation  |

2. For gross negligence in passing or waiving a vehicle for any required portion of the emission test in violation of rules or procedural requirements:

- |  |                  |
|--|------------------|
| i. Three month license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting | first violation  |
| ii. Six month license suspension; plus \$750.00 civil penalty; plus mandatory re-training and retesting  | second violation |
| iii. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting | third violation  |
| iv. Lifetime license revocation; plus \$2,000.00 civil penalty   | fourth violation |

3. For simple negligence in passing or waiving a vehicle for any required portion of the emission test in violation of rules or procedural requirements:

- |  |                                 |
|--|---------------------------------|
| i. Two week license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting      | first violation                 |
| ii. One month license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting    | second violation                |
| iii. Three month license suspension; plus \$750.00 civil penalty; plus mandatory re-training and retesting | third violation                 |
| iv. Six month license suspension; plus \$750.00 civil penalty; plus mandatory re-training and retesting    | fourth violation                |
| v. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting     | fifth and subsequent violations |

4. For misrepresentation on application (fraud or misrepresentation in securing the license):

- i. Three-year license denial or suspension

5. For fraudulently affixing certificate of approval, certificate of waiver or rejection sticker:

- |   |                  |
|---|------------------|
| i. Immediate two-year license suspension; plus \$500.00 civil penalty     | first violation  |
| ii. Immediate four-year license suspension; plus \$1,000.00 civil penalty | second violation |
| iii. Lifetime license revocation; plus \$2,000.00 civil penalty           | third violation  |

6. For fraud or misrepresentation in the conduct of the licensed activity:

- |  |                  |
|--|------------------|
| i. Immediate two-year license suspension   | first violation  |
| ii. Immediate four-year license suspension | second violation |
| iii. Lifetime license revocation           | third violation  |

7. For issuance or possession of altered, forged, stolen, or counterfeit certificate of approval, certificate of waiver or rejection sticker:

- |                                  |                  |
|----------------------------------|------------------|
| i. Two-year license suspension   | first violation  |
| ii. Four-year license suspension | second violation |
| iii. Lifetime license revocation | third violation  |

8. For furnishing, lending, giving or selling a certificate of approval, certificate of waiver or rejection sticker without performing the required inspection or reinspection:

- |                                  |                                  |
|----------------------------------|----------------------------------|
| i. Two-year license suspension   | first violation                  |
| ii. Four-year license suspension | second and subsequent violations |

9. For fraudulent recordkeeping:

- |  |                  |
|--|------------------|
| i. Immediate two-year license suspension   | first violation  |
| ii. Immediate four-year license suspension | second violation |
| iii. Lifetime license revocation           | third violation  |

10. For failing to produce inspection records:

- i. Immediate license suspension until compliance

11. For improper recordkeeping:

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| i. One-month license suspension   | first violation                 |
| ii. Two-month license suspension  | second violation                |
| iii. Six-month license suspension | third and subsequent violations |

12. For improper security of certificates of approval, certificates of waiver and/or rejection stickers:

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| i. Written warning                | first violation                 |
| ii. Two-month license suspension  | second violation                |
| iii. Six-month license suspension | third and subsequent violations |

13. For lost or stolen certificates of approval, certificates of waiver, and/or rejection stickers for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the Director, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

- |                                  |                                 |
|----------------------------------|---------------------------------|
| i. One-month license suspension  | first violation                 |
| ii. Two-month license suspension | second violation                |
| iii. One-year license suspension | third and subsequent violations |

14. For overcharging on inspection/reinspection:

- |                                |                                 |
|--------------------------------|---------------------------------|
| i. Written warning             | first violation                 |
| ii. 30-day license suspension  | second violation                |
| iii. 60-day license suspension | third and subsequent violations |

15. For failure to provide vehicle inspection report and/or work order to the customer:

- |                                  |                                 |
|----------------------------------|---------------------------------|
| i. 30-day license suspension     | first violation                 |
| ii. 60-day license suspension    | second violation                |
| iii. One-year license suspension | third and subsequent violations |

16. For criminal conviction which is disqualifying:



## i. Indefinite denial/suspension

Issuance/restoration predicated on standards set forth in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.).

Amended by R.2001 d.20, effective January 16, 2001.  
Sec: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a)4, inserted "or certificate of waiver" following "certificate of approval".

## 13:20-43.19 Quality assurance; auditor training

(a) Any person licensed or authorized by the Division to perform inspections required by this subchapter shall cooperate fully with the Division, the Department of Environmental Protection, or their authorized representatives, in the conduct of any audits or reviews authorized by the Division or the Department. All books, records, documents, papers, reports, or data relating to the performance of inspections required by this subchapter, in whatever form kept, shall be open to inspection by the Division or the Department of Environmental Protection at such times and at such locations as the Division or the Department may specify. The Division, the Department of Environmental Protection, or their authorized representatives, may conduct covert and overt audits of the performance of inspectors or inspection facilities and the equipment utilized by such persons at any times during which inspections are being performed or the facility is open for business. In conducting an audit or review, the Division, the Department of Environmental Protection, or their authorized representatives shall be given unfettered access to all areas of an inspection facility and to all equipment at such facility. The Division or the Department of Environmental Protection may conduct audits or reviews at such frequencies as they deem appropriate to assure the integrity and performance of the inspection system.

(b) Auditors shall be formally trained and knowledgeable in:

1. The use of analyzers;
2. Program rules and regulations;
3. The basics of air pollution control;
4. Basic principles of motor vehicle engine repair relating to emission performance;
5. Emission control systems;
6. Evidence gathering;
7. State administrative procedures laws;
8. Quality assurance practices; and
9. Covert audit procedures.

## SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

## 13:20-44.1 Purpose

(a) P.L. 1995, c.112 provides for the licensing and regulation of private inspection facilities by the Director of the Division of Motor Vehicles. The purposes of this subchapter are to:

1. Establish a system for the licensing of private inspection facilities which perform inspections and/or re-inspections on motor vehicles and issue certifications for motor vehicles, including emission control system inspections; and

2. Establish standards and procedures necessary to protect the public from incompetent, dishonest, deceptive and fraudulent practices in the inspection, reinspection and certification of motor vehicles, including emission control systems, and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

(b) The Division finds that in order to ensure that motor vehicles which are inspected, reinspected and certified by a private inspection facility are satisfactorily inspected, reinspected and certified and are in proper condition to be operated on the highways of this State and to ensure that inspections, reinspections and certifications are performed in accordance with the standards established by the Division at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, a licensed private inspection facility must possess certain equipment used in the inspection, reinspection and certification of motor vehicles, including emission control systems.

Amended by R.1999 d.422, effective December 6, 1999.

Sec: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

In (b), changed N.J.A.C. references.

## 13:20-44.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Advertising" means any printed or published materials including, but not limited to, direct mail, circulars, leaflets, pamphlets, newspapers, magazines, billboards, yellow pages of any telephone directory, radio and/or television broadcasts, and any other advertising medium of communication used to induce the public to seek the services of the private inspection facility. The term "advertising" shall not include printed or published materials appearing in the white pages of any telephone directory.

"Applicant" means any person applying under the provisions of this subchapter for an initial license to engage in the business of a private inspection facility or to renew an existing license. In the case of a partnership or corporation applying for a license, the term "applicant" shall respectively include all partners and/or officers and directors and/or persons having a controlling interest in a sole proprietorship or corporation.